

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

SKEE BALL, INC., a Pennsylvania corporation,
Plaintiff,
v.
FULL CIRCLE UNITED, LLC, a New York
limited liability company,
Defendant.

Case No.: 11-CV-6277 (NGG) (JO)
Discovery Conference:
Date: January 18, 2012
Time: 11:30 a.m.
Courtroom: 11D South
Honorable Judge Nicholas Garaufis
Magistrate Judge James Orenstein
Complaint filed: October 5, 2011 (USDC,
Northern District California)
Transferred to EDNY: December 23, 2011
(E-Filing)

**STIPULATION AND [PROPOSED] ORDER CONTINUING CASE
MANAGEMENT/DISCOVERY PLANNING CONFERENCE, JOINT DISCOVERY
PLAN DEADLINE AND INITIAL DISCLOSURE DEADLINE**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Paragraph II(A)(1) of the Individual Practice Rules of the Honorable Magistrate Judge James Orenstein, Plaintiff SKEE BALL, INC., a Pennsylvania corporation ("Plaintiff" or "SBI"), on the one hand, and Defendant FULL CIRCLE UNITED, LLC, a New York limited liability company ("Defendant" or "Full Circle"), on the other hand, without waiver of any objection or defense, hereby agree and stipulate as set forth below.

This Stipulation and Proposed Order are being submitted for the purpose of seeking a continuance of the Case Management and Discovery Planning Conference (the “Conference”) in this case, which is currently scheduled for January 18, 2012, as well as related meet and confer, Joint Discovery Plan and Initial Disclosure deadlines that are tied to the date of the Conference, for at least 30 days, to a date after the Court has reviewed and ruled upon the letter Notice of Related Cases that was filed with the Court on January 3, 2012 (Doc. No. 25). As set forth in the Recitals below, the parties each believe that good cause exists for the continuance of such

Conference in light of the present posture of this case.

RECITALS

WHEREAS, Plaintiff filed its Complaint on October 5, 2011, in the Northern District of California entitled *Skee Ball, Inc. v. Full Circle United, LLC*, Case No. CV11-4930 EDL (the “California Action”); and

WHEREAS, on November 9, 2011, Full Circle filed a Complaint in the Eastern District of New York entitled *Full Circle United, LLC v. Skee Ball, Inc.*, Case No. 1:11-CV-5476 (DLI) (LB), which is assigned to the Honorable Judge Dora Irizarry and Magistrate Judge Lois Bloom and involves the same parties and related claims; and

WHEREAS, on December 22, 2011, the California Action was ordered transferred to the Eastern District of New York, was assigned to the Honorable Judge Nicholas Garaufis and Magistrate Judge James Orenstein, and was assigned Case No. 11-CV-6277 (NGG) (JO); and

WHEREAS, on January 3, 2012, a letter Notice of Related Cases was filed with the Court (Doc. No. 25) pursuant to EDNY Civil Local Rule 50.3.1. regarding the relatedness of the two cases, and it is expected that the cases will be deemed related; and

WHEREAS, the Honorable Magistrate Judge James Orenstein set a Case Management and Discovery Planning Conference (the “Conference”) for January 18, 2012, at 11:30 a.m. in Courtroom 11D South in Case No. 11-CV-6277 (NGG) (JO); and

WHEREAS, the Conference Order requires that the parties file a Joint Discovery Plan no later than January 13, 2012, two (2) business days prior to the Conference; and

WHEREAS, the Conference Order requires that the parties provide their Initial Disclosures no later than January 18, 2012, the date of the Conference; and

WHEREAS, the Conference Order requires that the parties meet and confer no later than the date of the Conference; and

WHEREAS, it would serve judicial economy and conserve the resources of the parties to continue that Conference, as well as the related meet and confer, Joint Discovery Plan and Initial Disclosure deadlines that are tied to the date of the Conference, for at least 30 days to allow the Court determine the issue of relatedness and which judge(s) the cases will be in front of; and

WHEREAS, the parties jointly request a continuance of the Conference now set for January 18, 2012, as well as the related meet and confer, Joint Discovery Plan and Initial Disclosure deadlines that are tied to the date of the Conference, for at least 30 days, to a date after the Court has reviewed and ruled upon the letter Notice of Related Cases that was filed with the Court on January 3, 2012 (Doc. No. 25); and

WHEREAS, there have been no previous requests for adjournment or extension.

STIPULATION

NOW THEREFORE, Plaintiff and Defendant, by and through their respective undersigned counsel, hereby stipulate as follows:

1. Subject to the Court's calendar, the Case Management and Discovery Planning Conference in this matter shall be continued to February 22, 2012, at 11:30 a.m., in Courtroom 11D South of the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York; and
2. The last day to file a Joint Discovery Plan shall be two business days prior to the Case Management and Discovery Planning Conference; and
3. The last day to complete Initial Disclosures pursuant to F.R.C.P. Rule 26 shall be the date and time of the Case Management and Discovery Planning Conference; and
4. Before the date of the initial Case Management Conference and Discovery Planning Conference the parties will meet and confer as set forth in Paragraph IIA of the Case Management and Scheduling Order issued on December 27, 2011.

SO STIPULATED.

Dated: January 5, 2012

KRAUSS PLLC

By: 

Geri S. Krauss

1 North Broadway, Suite 1001

White Plains, New York 10601

Telephone: (914) 949-9100

Facsimile: (914) 949-9109

Attorneys for Plaintiff Skee Ball, Inc.

SEDGWICK LLP

By: 

J. Gregory Lahr (JL 9969)

125 Broad Street 39th Floor

New York, New York 10004-2400

Telephone: (212) 422-0202

Facsimile: (212) 422-0925

Attorneys for Defendant Full Circle United, LLC

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that:

1. The Case Management and Discovery Planning Conference in this matter shall be continued to _____, 2012, at 11:30 a.m., in Courtroom 11D South of the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York; and
2. The last day to file a Joint Discovery Plan shall be two business days prior to the Case Management and Discovery Planning Conference; and
3. The last day to complete Initial Disclosures pursuant to F.R.C.P. Rule 26 shall be the date and time of the Case Management and Discovery Planning Conference; and
4. Before the date of the initial Case Management Conference and Discovery Planning Conference the parties must meet and confer as set forth in Paragraph IIA of the Case Management and Scheduling Order issued on December 27, 2011.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

Honorable Magistrate Judge James Orenstein
Magistrate Judge of the United States District